



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/995,652

11/29/2001

Akitoshi Kojima

1247-0464P

2631

2292

7590

02/07/2006

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ARAQUE JR, GERARDO

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/995,652	Applicant(s) KOJIMA ET AL.	
	Examiner Gerardo Araque Jr.	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-29-2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8-29-2001</u> , <u>11-29</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 16A, 16B, and 17 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 23 Line 14 "32F" is not in Figure 1C. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" has been used to designate both the "RFID Portable Terminal" and the "Information-Processing Apparatus." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 3 recites the limitation, "...an information-processing apparatus for receiving the relay from the portable terminal and for preparing a commodity that a customer has indicated the intent for purchase." The examiner reads the limitation as the information-processing apparatus receiving the relay from the portable terminal and displaying the information in order for someone to prepare the commodity that the customer indicated the intent to purchase. The examiner recommends revising the last step to, "...an information-processing apparatus for receiving the relay from the portable terminal and indicating what commodity to have prepared in accordance to what the customer has indicated the intent to purchase." Appropriate correction is requested.

Art Unit: 3629

5. Claim 7 is objected to because of the following informalities: On line 6 of claim 7 the examiner suggests to remove "to" from the phrase, "...accordance with to the designation..." Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **1 – 3, 5, 7 – 13, and 14** are rejected under 35 U.S.C. 102(b) as being anticipated by Murrah et al. (US Patent 5,804,807). In regards to **claim 1**, Murrah et al. discloses that there are other methods to store data on a commodity, such as barcodes and radio frequency identification tags (Column 7 Lines 63 - 67). In order for customers to scan the commodities that they want they will need a portable terminal that is capable of reading the tag and displaying the information through some type of display that is found on the portable terminal (Column 2 Lines 20 – 35). When the customer is ready to checkout they will have their commodities ready for them at the exit counter with some type of pre-marked coding to match the commodity with the customer (Column 5 Lines 23 – 27).

In regards to **claim 2**, Murrah et al. discloses that the information on the wireless tag is read by a portable terminal and that the information is then relayed to a central processing unit over a radio communication link (Column 3 Lines 55 – 63). Moreover,

Art Unit: 3629

Murrah et al teaches that other coding schemes can be used, such as radio frequency identification tags, which are well known in the art to be capable of being written onto wirelessly (Column 7 Lines 63 – 67).

In regards to **claim 3**, Murrah et al discloses a system where a wireless tag contains commodity information that is read by a portable terminal and then relayed to a central processing unit, at which point the commodity is prepared for the customer for pickup (Column 5 Line 29 – Column 7 Line 23).

In regards to **claim 5**, Murrah et al discloses that the user, "...tallies the total on the portable data collecting terminal 50, and submits the contents of customer's record and its identifier to the central processor 30 over a wireless communication network...(Column 4 Lines 44 – 45)."

In regards to **claim 7**, Murrah et al discloses a portable terminal with a scanner coupled with a data processor and storage device (Column 5 Lines 35 - 36) with a printer and display in order to present the customer with commodity information (Column 5 Lines 32-35).

In regards to **claim 8**, Murrah et al discloses a portable scanner that is capable to scan the commodity information and relay it to a central processing unit because of its constant communication over a radio communication link (Column 7 Lines 40 – 46).

In regards to **claim 9**, Murrah et al discloses a central processing unit that is connected to a portable terminal through a radio communication link on a local area network that is capable of storing and creating a customer purchase record (Column 4 Lines 21 – 30).

In regards to **claims 10 – 13** Murrah et al discloses that the central process system is connected to the portable terminal wirelessly and has a display so that the customer is able to view their selection. The customer then approves of the selected commodities during the checkout process, but if the customer wants to correct the displayed selection then the attendant is able to do so (Column 6 Lines 18 – 25). This process can be done during the checkout process or from the portable terminal itself (Column 4 Lines 36 – 39). After all necessary corrections are made the final transaction concerning payment methods can be made via a transaction on a central processing system (Column 6 Lines 34 – 47).

8. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Murrah et al (US Patent 5,804,807). Murrah et al discloses, "... a portable data collecting terminal 50 (the "terminal") includes a bar code scanner 51, a printer 55, a magnetic card reader 56, a display 57, a keypad 58 and a communication interface port 58A. The canner 51 is coupled to a data processor and storage device which is connected to an RF transmitter 53, which is further couple to an RF antenna (Column 5 Lines 32 – 38)."

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murrah et al (US Patent 5,804,807) in view of Garber et al (US Patent 6,232,870).

Murrah et al discloses that the user, "...tallies the total on the portable data collecting terminal...(Column 4 Lines 44 – 45)" and a system where a wireless tag contains commodity information that is read by a portable terminal and then relayed to a central processing unit, at which point the commodity is prepared for the customer for pickup, but fails to teach a rewriting apparatus for rewriting commodity information on a wireless tag as being part of the system architecture. Garber et al teaches that those well known in the art know that RFID tags can be modified to have a wide selection of uses, such as having them being rewritable in order for them to be used multiple times (Column 5 Lines 47 – 50 and Column 7 Lines 17 – 34). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teaching of Garber et al to have an RFID tag that is rewritable to Murrah et al's system. Inherently, the system will have a rewriting apparatus for the modification of commodity information on the RFID tags.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Murrah et al (US Patent 5,984,182) teaches a scan-ahead system for processing merchandise at a checkout register, Yoshinaga et al (US Patent 6,189,781) who teaches a terminal unit having the function for converting commodity information into bar code and vice versa, Tayama (US Patent 6,625,580) who teaches a wireless order and delivery system, Clouser et al (US Patent 6,607,125) who teaches a

Art Unit: 3629


handheld merchandise scanner device, and Clyne et al who teaches a method for producing a bill, apparatus for collecting items, and a self-service shop.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600